IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.3434 OF 2005
IN
APPEAL NO.1006 OF 2005
IN
NOTICE OF MOTION NO.514 OF 2001
IN
SUIT NO.688 OF 2001

Kalhans H. Javeri .. Appellant
v/s.
Mrs.Mukul H. Ghia and others .. Respondents

Mr.R.D.Dhanuka i/by Mrs.A.R.Dhanuka for the appellant-applicant.

Mr.Bharat Vaishnava i/by M/s.B.Vaishnava & Co. for the respondents.

CORAM : R.M. LODHA &
ANOOP V.MOHTA, JJ.

DATED : 16TH FEBRUARY, 2006.

P.C.

Heard.

2. Subject to the appellant depositing a sum of Rs.25,00,000/- (Rupees Twenty-five lacs) with the Prothonotary & Senior Master of this court within three months from today, the direction given by the learned motion Judge in the order dated 9th September, 2005 appointing the Court Receiver in respect of the farm land known as Wadi, admeasuring approximately about 27 acres, situate at National Highway No.8, Damdachi, Villager Balsar, Gujarat, shall stand discharged. However, the appellant is restrained from transferring, alienating, disposing of or

creating any third party rights in any manner whatsoever in the said property until the disposal of the appeal.

3. We clarify that if the amount of Rs.25,00,000/- is not deposited by the appellant within the aforesaid period, the direction given by the learned motion Judge in respect of the aforesaid land, more particularly paragraph 6 of the order dated 9th September, 2005, shall remain operative.

4. In the event of the appellant depositing the amount as aforedirected, the Prothonotary and Senior Master shall invest the said amount in the fixed deposit of any nationalised bank initially for a period of three years, renewable thereafter for the same period different time until the disposal of the appeal.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)